

## **FREEDOM COURT REPORTING**

Page 1

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE MIDDLE DISTRICT OF ALABAMA  
3 NORTHERN DIVISION

5 MONICA PERRYMAN,  
6 Plaintiff,

**COPY**

<sup>8</sup> VS. CIVIL ACTION NO. 2:06-cv-mef

10 FIRST UNITED METHODIST CHURCH; and  
11 DARLENE MAYE,  
12 Defendants.

\* \* \* \*

15 DEPOSITION OF DARLENE MAYE, taken  
16 pursuant to notice and stipulation on  
17 behalf of the Plaintiff, at Rushton,  
18 Stakely, Johnston & Garrett,  
19 Montgomery, Alabama, before Bridgette  
20 Mitchell, Shorthand Reporter and Notary  
21 Public in and for the State of Alabama  
22 at Large, on October 10, 2006,  
23 commencing at 1:10 p.m.

**367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660**

## **Exhibit B**

**FREEDOM COURT REPORTING**

Page 5

1                   COURT REPORTER: Usual  
2 stipulations?

3                   MR. GARRETT: That's fine.

4                   MR. HURST: Is he staying in as  
5 a representative?

6                   MR. GARRETT: Yes.

7                   DARLENE MAYE, having first been  
8 duly sworn or affirmed to speak the  
9 truth, the whole truth, and nothing but  
10 the truth, testified as follows:

11                  EXAMINATION

12                  BY MR. HURST:

13 Q. Okay. Could you please state your full  
14 name?

15 A. Darlene Maye.

16 Q. Okay, Ms. Maye. Where were you born,  
17 Ms. Maye?

18 A. California.

19 Q. California. I don't want you to take  
20 offense to this question. Are both of  
21 your parents African-American?

22 A. Yes.

23 Q. Where did you see -- where did you

**FREEDOM COURT REPORTING**

Page 12

1 A. Christopher and Nicholas Maye.

2 Q. Where were you employed when you moved  
3 to -- you moved directly from  
4 California to Alabama?

5 A. Yes, I did.

6 Q. Where were you employed?

7 A. I worked at Huntingdon College Child  
8 Care Center and I worked for Montgomery  
9 schools briefly as a substitute when I  
10 first got here.

11 Q. How long were you employed with  
12 Huntingdon Child Care Center?

13 A. About three years.

14 Q. What position did you hold there?

15 A. I started as a pre-K teacher and ended  
16 as the acting director.

17 Q. How long were you acting director?

18 A. About -- less than a year. They  
19 closed.

20 Q. And when was that?

21 A. 2000.

22 Q. Why were you -- where were you employed  
23 next?

**FREEDOM COURT REPORTING**

Page 13

1 A. First United Methodist Church.

2 Q. How did you find out about the  
3 position?

4 A. Parents from Huntingdon College.

5 Q. A parent?

6 A. Parents from Huntingdon College.

7 Q. What was the qualifications for the  
8 position?

9 A. Supervisory experience, bachelor's  
10 degree.

11 Q. Okay. What's your rate of pay?

12 A. To start?

13 Q. Yes.

14 A. Twenty-five thousand.

15 Q. As a supervisor, you were employed,  
16 obviously. That's the position you  
17 hold now is supervisor?

18 A. Director, yes.

19 Q. You're director now?

20 A. I was hired as the director.

21 Q. You were hired as the director?

22 A. Yes.

23 Q. Do you have an immediate supervisor

**FREEDOM COURT REPORTING**

Page 20

1 A. There are parts in the ECDC policy that  
2 say the director's discretion can be  
3 used.

4 Q. And which parts of that policy?

5 A. For example, request for time off.

6 Q. Time off. That's discretionary?

7 A. Yes.

8 Q. I thought there was a two-week  
9 notification?

10 A. But a director's discretion can be  
11 used.

12 Q. So the director can overrule the  
13 two-week notification?

14 A. Correct.

15 Q. What else is discretionary?

16 A. That's all I can think of right now.

17 Q. Okay. That's all? All right. What  
18 about procedure?

19 A. What about it?

20 Q. Is any part of that discretionary?

21 A. Not that I can think of right now.

22 Q. Okay. Does the policy and procedure  
23 say anything about religious

**FREEDOM COURT REPORTING**

Page 21

1 instruction?

2 A. It does.

3 Q. What does it say about that?

4 A. Something to the effect that we are a  
5 religious-based organization and prayer  
6 will be implemented. I don't know the  
7 exact words, but it alludes to that.

8 Q. Is there a guideline for the prayer or  
9 procedure or policy?

10 A. In individual classrooms there are.

11 Q. Okay. What are those?

12 A. That we have prayer before every meal.  
13 That they are read religious stories.  
14 That they attend chapel every  
15 Wednesday. Those are just a few.

16 Q. Well, I'm going to have to have more  
17 specific ones. Just what, prayer,  
18 religious stories, and chapel? Do you  
19 provide the books?

20 A. We do.

21 Q. What are the books? Where do you get  
22 them from? What are the titles, first?

23 A. Well, the resource library is full of

**FREEDOM COURT REPORTING**

Page 28

1 understood you learn primary colors,  
2 your shapes, you say the blessing.

3 Those things are understood. That's  
4 not in a lesson plan.

5 Q. I'm talking particular about the Ten  
6 Commandments.

7 A. If you were to subpoena what, the  
8 lesson plan? It wouldn't be on there,  
9 because it's understood that it's  
10 taught. It's all around the classroom.

11 Q. Well, how is it understood that it's to  
12 be taught just because it's around the  
13 classroom?

14 A. Because I instruct the teachers to have  
15 a ritual that they do every day, and  
16 that's part of it.

17 Q. So you instruct all the teachers prior  
18 to being hired that they have to teach  
19 the Ten Commandments?

20 A. Uh-huh. In the lower classes, they  
21 learn one through three, and then one  
22 through five. And by the time they get  
23 to pre-K, they learn one through ten.

**FREEDOM COURT REPORTING**

Page 29

1 Q. Okay.

2 A. And that is -- and you can subpoena  
3 anything and it will say that.

4 Q. Okay. But all the teachers have to  
5 teach the Ten Commandments?

6 A. Yes.

7 Q. Okay. Now, let's get to -- what other  
8 religious activities do they do that  
9 points to a particular doctrine or  
10 teaching other than what you've talked  
11 about -- the Ten Commandments, the  
12 Lord's Prayer, and a generalization of  
13 God? What else do they --

14 A. Well, they go to the sanctuary. Every  
15 Wednesday they go to chapel.

16 Q. Every Wednesday?

17 A. Yes.

18 Q. The sanctuary?

19 A. The children's chapel.

20 Q. Okay. What's in the children's chapel?

21 A. It's a sanctuary, a mini sanctuary  
22 for --

23 Q. Well, what's in it?

**FREEDOM COURT REPORTING**

Page 36

1 any prayer. Give me an example of a  
2 prayer you heard.

3 A. A prayer they're given to teach?

4 Q. If they were given a prayer, then the  
5 teacher wouldn't be allowed to say --

6 A. They're given several prayers and they  
7 can choose which one they want to  
8 teach. So, yes, they're given a choice  
9 of prayers, but they can choose which  
10 ones they want to teach. An example  
11 would be the morning blessing that they  
12 have before meals.

13 Q. What's the morning blessing? What does  
14 that say? Can you recite it for me?

15 A. There are several of them. God is  
16 great, God is good, let us thank Him  
17 for our food.

18 Q. How is the center funded?

19 A. Primarily through tuition, I suppose.

20 Q. And where does the other support come  
21 from?

22 A. The church.

23 Q. And that's the only two support

**FREEDOM COURT REPORTING**

Page 37

1           mechanisms?

2       A. Yes.

3       Q. Funding and tuition?

4       A. Yes.

5       Q. How much -- what are parents instructed  
6           their tuition covers?

7       A. Day-to-day care of their child, two  
8           snacks, and a hot meal.

9       Q. So why does the church need to  
10          contribute money?

11      A. Initially for the setup, I suppose, the  
12          church contributed money. I'm not  
13          sure. I don't know.

14      Q. But right now it's supported strictly  
15          by tuition?

16      A. As far as I know.

17      Q. The teachers, are they chosen because  
18          of their religious affiliation?

19      A. No.

20      Q. Is religion even considered in the  
21          application process?

22      A. No.

23      Q. Do they have to be spiritual?

**FREEDOM COURT REPORTING**

Page 40

1                   nine-fifty.

2       A. Correct.

3       Q. Are pre-K teachers paid more?

4       A. No, not necessarily.

5       Q. Okay. Not necessarily. Where in your  
6                   guidelines and procedure is pay -- is  
7                   pay discretionary?

8       A. Each teacher is equal and they're hired  
9                   based on their background and  
10                  experience and education. It doesn't  
11                  matter which classroom you're in that  
12                  you get more or less money.

13      Q. But I'm asking you, is there a  
14                  guideline for the pay scale?

15      A. There's a guideline, yes.

16      Q. There's a guideline?

17      A. Yes.

18      Q. So college -- so on that guideline,  
19                  because Heather has a bachelor's  
20                  degree, what does the guideline say  
21                  about pay for people who have college?

22      A. They start out at eight dollars an  
23                  hour. There's a range between eight

**FREEDOM COURT REPORTING**

Page 55

1 Q. Why did you choose to terminate her?

2 A. I didn't terminate her for that. I  
3 terminated her for lack of following  
4 procedures when she didn't sign a memo  
5 I circulated.

6 Q. Okay. We'll get to that. So that was  
7 a different reason why you --

8 A. You asked me why I terminated her, and  
9 that's why.

10 Q. Okay. But you suspended her for the  
11 no-show days?

12 A. Correct.

13 MR. GARRETT: Let's take a  
14 quick break, if you don't mind.

15 (Short recess.)

16 Q. Okay. We were talking about this  
17 suspension that happened around the  
18 14th or 15th of February 2005. And  
19 Ms. Perryman asked for the day off to  
20 go to the WIC program, and you said she  
21 could have a half a day?

22 A. Correct.

23 Q. Did it normally take -- you said from

**FREEDOM COURT REPORTING**

Page 65

1           with her termination?

2       A. Yes.

3       Q. All right. You cite these as reasons  
4           for her termination. Your refusal to  
5           acknowledge and accept ongoing ECDC  
6           policies and procedures as set forth in  
7           the communication memo dated March 1,  
8           2005, is the final infraction leading  
9           to your termination. What is that  
10          about?

11      A. That meant that she had been suspended  
12           and she was a no-show, and so this is a  
13           third infraction when I asked her to  
14           sign a memo that I circulated regarding  
15           calling parents at home. She was the  
16           only one who refused to sign it.

17      Q. Could it be that something was attached  
18           to her memo that wasn't attached to  
19           other people's memo?

20      A. No.

21      Q. Was her memo the same as everybody  
22           else's?

23      A. It was a memo directed to the entire

**FREEDOM COURT REPORTING**

Page 66

1           staff that had --

2       Q. So it's your testimony that her memo  
3           had nothing different on it than  
4           anybody else's memo?

5       A. She didn't have a particular memo. It  
6           was one memo circulated to the entire  
7           staff.

8       Q. Now, why did she have to sign the memo?

9       A. It's a way that I communicate to my  
10          staff. I have fifteen to nineteen  
11          employees. I can't walk up to each of  
12          them individually, so I send around a  
13          memo. Each of them will sign it saying  
14          that they not necessarily agree with  
15          but at least that they have read it. I  
16          called her in the office and asked her,  
17          Monica, did you read the memo? Yes, I  
18          did. But she refused to sign it.

19                   MR. GARRETT: Let him ask the  
20          question. It will go easier that way.

21       Q. Okay. She refused to the memo. Why  
22          did she refuse to sign it?

23       A. You would have to ask her that.

**FREEDOM COURT REPORTING**

Page 67

1 Q. You didn't ask her?

2 A. Yes, I did.

3 Q. Did you tell her if she didn't sign the  
4 memo she would be terminated?

5 A. I told her there would be consequences  
6 if she didn't follow the policy and  
7 procedure.

8 Q. And that's in your policy and procedure  
9 that you have to sign memos?

10 A. That you have to comply, yes.

11 Q. But not sign. Did anybody else not  
12 sign the memo?

13 A. Everyone signed it.

14 Q. Okay. But Ms. Perryman. Your lack of  
15 DHR-required training hours combined  
16 with a blatant insubordination in an  
17 open ECDC staff meeting on February 8,  
18 2005.

19 Was she counseled about this open  
20 and blatant insubordination? What was  
21 that about? And then we'll get to the  
22 DHR-required training. Was she  
23 counseled about that? You said blatant